

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FACTORY MUTUAL INSURANCE)
COMPANY, as subrogee of Agilent)
Technologies, Inc.,)
Plaintiff,)
v.) Case No. 2:25-cv-02424-TLP-tmp
XPEDIENT MANAGEMENT GROUP, LLC) JURY TRIAL DEMANDED
and ST. PAUL FIRE AND MARINE)
INSURANCE COMPANY,)
Defendants.)

PLAINTIFF'S MOTION TO REASSIGN AND CONSOLIDATE CASES

Comes now the Plaintiff, Factory Mutual Insurance Company, as subrogee of Agilent Technologies, Inc. (“FMIC”), by and through undersigned counsel, and pursuant to Local Rules 3.1(c) and 83.8(d) and Fed. R. Civ. P. 42(a), and respectfully moves this Court to reassign this case to Judge Mark S. Norris and for consolidation of this case with the related case of *Agilent Technologies, Inc. v. Xpedient Management Group, LLC and St. Paul Fire and Marine Ins. Co.*, U.S. District Court, Western District, Western Division, Case No. 2:25-CV-02101-MSN-CGC (the “Agilent” Case), filed January 30, 2025. FMIC specifically seeks for this case to be reassigned to Judge Norris and consolidated into and joined with the Agilent Case, with discovery, all pre-trial matters and trial to be governed by a Scheduling Order to be entered by Judge Norris.

As reflected in the Certificate of Consultation below, the relief requested in this motion is unopposed by Defendant Xpedient Management Group, LLC in this case and is also unopposed

by Plaintiff in the *Agilent* Case, Agilent Technologies, Inc.¹ In support of its motion, Plaintiff relies upon its Supporting Memorandum filed contemporaneously herewith. Pursuant to Local Rule 7.2(a)(1)(A), a proposed order granting the relief requested in this motion is being submitted by email.

WHEREFORE, FMIC respectfully requests that the Court enter an order granting this motion, transferring this case to Judge Norris, and consolidating this case with the *Agilent* Case for all purposes.

Respectfully submitted,

/s/ S. Joe Welborn

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Attorneys for Plaintiff Factory Mutual Insurance Company

¹ FMIC acknowledges FMIC's subrogation rights are subject to applicable law and the "made whole" doctrine, and acknowledges that Agilent Technologies, Inc., in not objecting to the reassignment of this case to Judge Mark S. Norris and to consolidation of the two cases, has not waived and has expressly reserved all of its rights thereunder.

CERTIFICATE OF CONSULTATION

Pursuant to LR 7.2(a)(1)(B), on June 9, 2025, undersigned counsel conferred by email with counsel for Defendant Xpedient Management Group, LLC, **William P. Thomas** and **Andrew Schrack**, about the relief requested in this motion. Xpedient Management Group does not oppose and is in agreement with the relief requested in this motion. On June 19, 2025, undersigned counsel conferred by email with counsel for Defendant St. Paul Fire and Marine Insurance Company, **Michael J. Petherick**, about the relief requested in this motion. St. Paul Fire and Marine Insurance Company opposes consolidation of these cases. On May 19, 2025 by telephone and May 21, 2025 by e-mail, undersigned counsel conferred with counsel for Agilent Technologies, Inc., **Douglas F. Halijan** and **Margaret C. McDonald**, about the relief requested in this motion. At that time, it was determined that Agilent Technologies, Inc. does not oppose and is in agreement with the relief requested in this motion

BY: /s/ S. Joe Welborn
S. Joe Welborn, TN BPR No. 21747

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which sent notification of such filing to all counsel of record. I also certify that on June 23, 2025 I served the foregoing document via U.S. Mail and e-mail upon the following counsel for Agilent Technologies, Inc.:

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/s/ S. Joe Welborn
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